

**351—4.48 (68A) Sham newspapers not entitled to press exception.** Iowa Code chapter 68A provides that when a media organization discusses candidates and public affairs, the media organization does not trigger the campaign laws. Iowa Code section 68A.503(2) “d” directs the board to adopt a rule prohibiting the owner, publisher, or editor of a sham newspaper from using the sham newspaper to promote in any way the candidacy of the person for public office. In determining whether or not a publication is entitled to the press exception or is a sham newspaper that triggers the campaign laws, the board will consider the following factors:

1. Whether the publication is published and made available on a regular schedule or interval;
2. The proximity to the election in which the candidates and public affairs are discussed;
3. Whether the publication contains news items and articles of opinion of a general character separate from discussions concerning candidates and public affairs;
4. How widely the publication is circulated or is otherwise made available to the public in comparison to a targeted audience for potential campaign purposes;
5. Whether the publication discusses all candidates for a particular election or otherwise gives all candidates equal space; and
6. Whether the publication expressly advocates for the candidacy of the owner, publisher, or editor of the publication or for the defeat of a campaign opponent of the owner, publisher, or editor of the publication.

This rule is intended to implement Iowa Code section 68A.503(2) “d.”

[ARC 7866B, IAB 6/17/09, effective 7/22/09]